



PATENT
Attorney Docket No. 5725.0895-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Sue FENG et al.) Group Art Unit: 1615
Application No.: 10/699,780) Examiner: VENKAT, J.
Date Filed: November 4, 2003) Confirmation No.: 5902
For: METHODS OF PROVIDING)
INTENSE COLOR TO COSMETIC)
COMPOSITIONS USING AT)
LEAST ONE HETEROPOLYMER)
(AS AMENDED))

MAIL STOP AMENDMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Supplemental Information Disclosure Statement ("IDS") is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this IDS is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached. Copies of the listed U.S. patents, U.S. patent application publications, and co-pending U.S. patent applications that are available in the Image File Wrapper System are not enclosed.

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Applicants' representatives understand from the Examiner in related co-pending applications that the Examiner considered references cited in the IDS Forms PTO/SB/08 filed but crossed through some of the citations and did not initial the entries to avoid the printing of those documents on the face of any patent granted there from. In light of the Examiner's representations regarding the crossing-out of references in related co-pending applications, Applicants will consider any entries crossed through by the Examiner in this case as having been properly submitted and considered by the Examiner unless the Examiner specifically states otherwise in the papers returning the form.

Applicants respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

I. Co-Pending Applications

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Examiner. Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions filed in co-pending applications on the attached form. At the

Examiner's request, Applicants have not included copies of Office Actions issued by the present Examiner in copending applications.

II. Non-English Language References

With respect to the non-English language documents, Applicants submit the following remarks:

1. EP 1 343 459 - The document is believed to be related to U.S. Patent No. 6,852,326, which is listed herewith.

2. EP 1 359 886 - The document is believed to be related to U.S. Patent Publication No. 2003/0185780, which is listed herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

III. Conclusion

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: _____


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Dated: February 11, 2008